

shall on conviction be fined not more than \$10,000, or imprisoned for not more than one year, or both. Each day during which such failure continues shall be deemed a separate offense.

(Pub. L. 96-468, §7, Oct. 17, 1980, 94 Stat. 2231.)

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3804 of this title.

### § 3807. General enforcement provisions

#### (a) Injunctions

The Attorney General, upon the request of the Secretary, shall bring an action to enjoin the violation of, or to compel compliance with, any provision of this chapter or any regulation issued by the Secretary hereunder by any person. Such action shall be brought in the appropriate United States district court for the judicial district in which such person resides or transacts business or in which the violation or omission has occurred or is about to occur. Process in such cases may be served in any judicial district wherein the defendant resides or transacts business or wherever the defendant may be found.

#### (b) Access to premises or facility and books and records; examination; samples

Any person subject to the provisions of this chapter shall, at all reasonable times, upon notice by a duly authorized representative of the Secretary, afford such representative access to his premises or facility and opportunity to examine the premises or facility, the garbage there at, and books and records thereof, to copy all such books and records and to take reasonable sample of such garbage.

#### (c) Additional powers

For the efficient execution of the provisions of this chapter, and in order to provide information for the use of Congress, the provisions (including penalties) of sections 46 and 48 through 50 of title 15, are made applicable to the jurisdiction, powers, and duties of the Secretary in enforcing the provisions of this chapter and to any person subject to the provisions of this chapter, whether or not a corporation. The Secretary, in person or by such agents as he may designate, may prosecute any inquiry necessary to his duties under this chapter in any part of the United States.

(Pub. L. 96-468, §8, Oct. 17, 1980, 94 Stat. 2232.)

### § 3808. Cooperation with States

In order to avoid duplication of functions, facilities, and personnel, and to attain closer coordination and greater effectiveness and economy in administration of this chapter and State laws and regulations relating to the feeding of garbage to swine, the Secretary is authorized to enter into cooperative agreements with State departments of agriculture and other State agencies charged with the administration and enforcement of such State laws and regulations and to provide that any such State agency which has adequate facilities, personnel, and procedures, as determined by the Secretary, may assist the Secretary in the administration and enforcement of this chapter and regulations

hereunder. The Secretary is further authorized to coordinate the administration of this chapter and regulations with such State laws and regulations whenever feasible: *Provided*, That nothing herein shall affect the jurisdiction of the Secretary under any other Federal law, or any authority to cooperate with State agencies or other agencies or persons under existing provisions of law, or affect any restrictions upon such cooperation.

(Pub. L. 96-468, §9, Oct. 17, 1980, 94 Stat. 2232.)

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 3803, 3804 of this title.

### § 3809. Primary enforcement responsibility

#### (a) State obligation

For purposes of this chapter, a State shall have the primary enforcement responsibility for violations of laws and regulations relating to the treatment of garbage to be fed to swine and the feeding thereof during any period for which the Secretary determines that such State—

(1) has adopted adequate laws and regulations regulating the treatment of garbage to be fed to swine and the feeding thereof which laws and regulations meet the minimum standards of this chapter and the regulations hereunder: *Provided*, That the Secretary may not require a State to have laws that are more stringent than this chapter;

(2) has adopted and is implementing adequate procedures for the effective enforcement of such State laws and regulations; and

(3) will keep such records and make such reports showing compliance with paragraphs (1) and (2) of this subsection as the Secretary may require by regulation.

Except as provided in subsection (c) of this section, the Secretary shall not enforce this chapter or the regulations hereunder in any State which has primary enforcement responsibility pursuant to this section.

#### (b) Inadequate enforcement or administration by State; termination of responsibility by Secretary

Whenever the Secretary determines that a State having primary enforcement responsibility pursuant to this section does not have adequate laws or regulations or is not effectively enforcing such laws or regulations, the Secretary shall notify the State. Such notice shall specify those aspects of the administration or enforcement of the State program that are determined to be inadequate. The State shall have ninety days after receipt of the notice to correct any deficiencies. If after that time the Secretary determines that the State program remains inadequate, the Secretary may terminate, in whole or in part, the State's primary enforcement responsibility under this chapter.

#### (c) Emergency conditions

Nothing in this section shall limit the authority of the Secretary to enforce this chapter whenever the Secretary determines that emergency conditions exist that require immediate action on the part of the Secretary and the

State authority is unwilling or unable adequately to respond to the emergency.

(Pub. L. 96-468, §10, Oct. 17, 1980, 94 Stat. 2233.)

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 3803, 3804, 3810 of this title.

### § 3810. Advisory committees

The Secretary shall appoint an advisory committee or committees consisting of representatives of appropriate State agricultural or State animal health agencies, animal health organizations, the food waste feeder industry, and swine producer organizations to consult with the Secretary concerning matters within the scope of this chapter, including evaluating State programs for purposes of section 3809 of this title and assuring effective coordination among State programs and Federal and State programs.

(Pub. L. 96-468, §11, Oct. 17, 1980, 94 Stat. 2233.)

#### TERMINATION OF ADVISORY COMMITTEES

Advisory committees established after Jan. 5, 1973, to terminate not later than the expiration of the 2-year period beginning on the date of their establishment, unless, in the case of a committee established by the President or an officer of the Federal Government, such committee is renewed by appropriate action prior to the expiration of such 2-year period, or in the case of a committee established by the Congress, its duration is otherwise provided by law. See section 14 of Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 776, set out in the Appendix to Title 5, Government Organization and Employees.

### § 3811. Issuance of regulations; maintenance of records

The Secretary is authorized to issue such regulations and to require the maintenance of such records as he deems necessary to carry out the provisions of this chapter.

(Pub. L. 96-468, §12, Oct. 17, 1980, 94 Stat. 2233.)

### § 3812. Authority in addition to other laws; effect on State laws

The authority conferred by this chapter shall be in addition to authority conferred by other statutes. Nothing in this chapter shall be construed to repeal or supersede any State law prohibiting the feeding of garbage to swine or to prohibit any State from enforcing requirements relating to the treatment of garbage to be fed to swine or the feeding thereof which are more stringent than those under this chapter or the regulations hereunder.

(Pub. L. 96-468, §13, Oct. 17, 1980, 94 Stat. 2233.)

### § 3813. Authorization of appropriations

There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this chapter.

(Pub. L. 96-468, §14, Oct. 17, 1980, 94 Stat. 2234.)

## CHAPTER 70—ANIMAL CANCER RESEARCH

Sec.

3901. Congressional findings.

3902. Research program on cancer in animals and birds.

Sec.

3903. Annual program review to achieve coordination with National Cancer Institute program.

3904. Authorization of appropriations; restriction.

### § 3901. Congressional findings

Congress finds that—

(a) basic research on malignant tumors or cancers is essential to protect the health of domestic animals, poultry, and wildlife, including birds;

(b) carcinogenic agents have not been adequately identified in domestic animals, poultry, and wildlife management;

(c) basic research in diagnosis, prevention, and control of malignant tumors in animals and birds has not been adequately coordinated;

(d) significant theories of a common factor in malignant tumors, such as chorionic gonadotropin, have not been pursued in depth;

(e) research on diagnosis, prevention, and control of cancer in animals and birds will be beneficial in identifying any common factors in human and animal malignant tumors, if such exist; and

(f) it is imperative for the Department of Agriculture and the National Institutes of Health to coordinate and consult with regard to the research authorized under this chapter to achieve the maximum benefits from such research.

(Pub. L. 96-469, §2, Oct. 17, 1980, 94 Stat. 2235.)

#### SHORT TITLE

Section 1 of Pub. L. 96-469 provided: "That this Act [enacting this chapter] may be cited as the 'Animal Cancer Research Act'."

### § 3902. Research program on cancer in animals and birds

The Secretary of Agriculture shall conduct a program of basic research on cancer in animals and birds at appropriate facilities within the Department of Agriculture or by grants to other qualified research facilities.

(Pub. L. 96-469, §3, Oct. 17, 1980, 94 Stat. 2235.)

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3904 of this title.

### § 3903. Annual program review to achieve coordination with National Cancer Institute program

The Secretary of Agriculture and the Director of the National Institutes of Health shall annually review the research program conducted under this chapter in order to coordinate the program with the National Cancer Institute research program.

(Pub. L. 96-469, §4, Oct. 17, 1980, 94 Stat. 2235.)

### § 3904. Authorization of appropriations; restriction

(a) There are hereby authorized to be appropriated to administer the program under this chapter \$25,000,000 for fiscal year 1982, and \$25,000,000 annually thereafter through the end of fiscal year 1986.